

ARTICLE IV. NONCONFORMITIES**Sec. 25-161. Continuance permitted.**

Except as provided herein, any nonconforming use or development nonconformity may be continued after the effective date of the ordinance from which this chapter is derived or any applicable amendment thereof.

(Laws of Rockville, Ch. 6, § 3-701)

Sec. 25-162. Limitations on expansion, alteration or enlargement of nonconforming uses.

No nonconforming use may be extended, altered or expanded, except as follows:

- (1) A nonconforming use may be extended throughout those parts of a building or structure which were specifically designed or constructed for such use prior to the adoption of this chapter or any applicable amendment thereof and which parts were either completed or substantially completed structurally at the time of adoption of the ordinance from which this chapter is derived or any applicable amendment thereof.
- (2) Structural alterations of a building or structure, the use of which does not conform to the requirements of this chapter, may be made only if the alteration is for the purpose of conforming to the use requirements of this chapter, or to maintain the building or structure in safe repair, but such structural alterations to eliminate a development nonconformity shall not include major reconstruction.

(Laws of Rockville, Ch. 6, § 3-702)

Sec. 25-163. Termination of nonconforming uses.

The right to continue a nonconforming use shall terminate upon:

- (1) Cessation of such use for a period of at least three (3) calendar months; or
- (2) Damage or deterioration by fire, flood, explosion or any other cause to the building or structure in which the nonconforming use is conducted and the cost of repairing such damage or deterioration exceeds fifty (50) percent of the replacement cost of such building or structure; or
- (3) Cessation of a nonconforming use and establishment of a prohibited, permitted or special exception use.

(Laws of Rockville, Ch. 6, § 3-703)

Sec. 25-164. Limitations on expansion, alteration or enlargement of development nonconformities.

No development nonconformity may be extended, altered or expanded, except as follows:

(1) A development nonconformity may be extended throughout those parts of a building or structure constituting a development nonconformity, completed or substantially completed structurally at the time of adoption of this chapter or any applicable amendment thereof;

(2) Where part of a building or structure constitutes a development nonconformity, alterations, expansions, and enlargements may be made to the building or structure, provided that such alterations, expansions, or enlargements do not expand or extend the development nonconformity;

(3) Structural alterations to a development nonconformity may be made only if the alteration is for the purpose of eliminating the development nonconformity or of maintaining the development nonconformity in safe repair, but such structural alterations shall not include major reconstruction. Conversion of a carport to a garage shall not be deemed a violation of this section.

(Laws of Rockville, Ch. 6, § 3-704)

Sec. 25-165. Termination of development nonconformity.

A development nonconformity shall terminate if damage or deterioration by fire, flood, explosion or any other cause to that part of a building or structure constituting a development nonconformity exceeds fifty (50) percent of the replacement cost of such development nonconformity.

(Laws of Rockville, Ch. 6, § 3-705)

Secs. 25-166--25-180. Reserved.